

EXHIBIT G

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PROTON MANAGEMENT LTD.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ELECTRIC SOLIDUS, INC. d/b/a
SWAN BITCOIN, a Delaware
corporation,

Plaintiff,

v.

PROTON MANAGEMENT LTD., a
British Virgin Islands corporation;
THOMAS PATRICK FURLONG;
ILIOS CORP., a California corporation;
MICHAEL ALEXANDER HOLMES;
RAFAEL DIAS MONTELEONE;
SANTHIRAN NAIDOO; ENRIQUE
ROMUALDEZ; and LUCAS
VASONCELOS,

Defendants.

Case No. 2:24-cv-08280-MWC-E

**SPECIALLY APPEARING
DEFENDANT PROTON
MANAGEMENT LTD'S
RESPONSES AND OBJECTIONS
TO PLAINTIFF'S SECOND
INTERROGATORIES**

Am. Complaint filed: January 27, 2025

1 PROPOUNDING PARTY: Plaintiff ELECTRIC SOLIDUS, INC.
2 RESPONDING PARTY: Defendant PROTON MANAGEMENT LTD.
3 SET NO.: Two (2)

4 Pursuant to Federal Rule of Civil Procedure 33, Specially Appearing
5 Defendant PROTON MANAGEMENT LTD (“Responding Party”) submits these
6 responses and objections to the Second Set of Special Interrogatories propounded by
7 Plaintiff ELECTRIC SOLIDUS, INC. d/b/a SWAN BITCOIN (“Propounding
8 Party”).

9 **PRELIMINARY STATEMENT**

10 The following responses are made solely for the purpose of, and in relation to,
11 the Action. Each response is provided subject to all appropriate objections
12 (including, without limitation, objections concerning competency, relevancy,
13 materiality, propriety, and admissibility) that would require the exclusion of any
14 statement contained herein if the statement were made by a witness present and
15 testifying in court. All such objections and grounds therefor are reserved and may
16 be interposed at the time of trial.

17 The following responses to the Interrogatories are based upon the facts and
18 information presently known and available to Responding Party. Discovery,
19 investigation, research, and analysis are still ongoing in this case and may disclose
20 the existence of additional facts, add meaning to known facts, establish entirely new
21 factual or legal contentions, or possibly lead to additions, variations, or changes to
22 these responses. Without obligating itself to do so, Responding Party reserves the
23 right to change or supplement these responses as additional facts are discovered,
24 revealed, recalled, or otherwise ascertained, and as further analysis and research
25 disclose additional facts, contentions, or legal theories which may apply.

26 **GENERAL OBJECTIONS TO SPECIAL INTERROGATORIES**

27 1. Responding Party objects to the Interrogatories as premature because
28 the Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to

1 Dismiss Swan’s Amended Complaint under Rule 12(b)(2) for lack of personal
2 jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party
3 is challenging a court’s jurisdiction. See, e.g., *Stussy, Inc. v. Shein*, No. 8:22-cv-
4 00379-CJC-KESx, 2022 U.S. Dist. LEXIS 219209, at *18 (C.D. Cal., Sept. 23,
5 2022) (denying motion to compel discovery and ordering stay pending court’s ruling
6 on Rule 12 motion for lack of personal jurisdiction); *Cooper v. Shoei Safety Helmet*
7 *Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at *6-7 (D.
8 Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-
9 3225 RS, 2008 WL 191978, at *1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to
10 compel and stating defendant challenging court’s subject matter jurisdiction was
11 within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No.
12 1:17-cv-01757-NONE-SAB, 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting
13 defendant’s motion to stay discovery pending motion to dismiss); *PlayUp, Inc. v.*
14 *Mintas*, 635 F. Supp 3d 1087 (D. Nev. 2022) (“a personal jurisdiction challenge
15 generally favors a stay of discovery”).

16 2. Responding Party objects to the Interrogatories in their entirety, and to
17 each interrogatory therein, on the grounds that Propounding Party has failed to
18 comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to
19 identify with reasonable particularity the trade secrets it alleges that any defendant
20 misappropriated before commencing discovery, as required by Section H of the
21 Court’s Scheduling Order (Dkt. 95).

22 3. Responding Party objects to the Interrogatories in their entirety, and to
23 each individual interrogatory therein, to the extent that they purport to require
24 Responding Party to provide information concerning persons or entities other than
25 Responding Party, on the grounds that the Interrogatories, to that extent, are
26 overbroad and seek information that is neither relevant to the subject matter of this
27 Action nor reasonably calculated to lead to the discovery of admissible evidence, or
28 if relevant, so remote therefrom as to make their disclosure of little or no practical

1 benefit to Plaintiff, while placing an unwarranted and extreme burden and expense
2 on Responding Party in ascertaining, gathering and providing such information.

3 4. Responding Party objects to the Interrogatories in their entirety and to
4 each individual interrogatory therein, to the extent that they seek information that is
5 not relevant and does not appear reasonably calculated to lead to the discovery of
6 admissible evidence.

7 5. Responding Party objects to the Interrogatories in their entirety and to
8 each individual interrogatory therein, to the extent that they purport to require
9 Responding Party to provide information that is not within its possession, custody,
10 or control.

11 6. Responding Party objects to the Interrogatories in their entirety, and to
12 each individual interrogatory therein, to the extent they purport to require
13 Responding Party to provide information that has already been provided by parties
14 in this Action, or that could be provided by parties to this Action, or non-parties.

15 7. Responding Party objects to the Interrogatories in their entirety and to
16 each individual interrogatory therein, to the extent that they are vague, ambiguous,
17 and/or overbroad.

18 8. Responding Party objects to the Interrogatories in their entirety and to
19 each individual interrogatory therein, to the extent that they purport to require
20 Responding Party to provide confidential business, financial, proprietary, or
21 sensitive information.

22 9. Responding Party objects to the Interrogatories in their entirety, and to
23 each individual interrogatory therein, to the extent they seek information prepared in
24 anticipation of, or in connection with this Action, or information protected from
25 disclosure by the attorney-client privilege, the attorney work-product doctrine, or
26 any other applicable privilege against disclosure.

27 10. Responding Party objects to the Definitions set forth in the
28 Interrogatories to the extent that such definitions purport to impose requirements on

1 Responding Party which differ from those set forth set forth in the Federal Rules of
2 Civil Procedure.

3 11. Responding Party objects to the Definitions set forth in the
4 Interrogatories to the extent that the definitions of the stated terms or phrases
5 assume facts not in evidence or otherwise improperly or incorrectly define the stated
6 terms or phrases.

7 12. The foregoing General Objections are, and shall be deemed to be,
8 incorporated in full into each specific Interrogatory Response set forth below.

9 **OBJECTIONS TO DEFINITIONS**

10 1. Responding Party objects to the definition of “**Communication**” as
11 overly broad, unduly burdensome, vague, ambiguous and unintelligible to the extent
12 it includes “whether or not the Communication was ever disclosed, sent, or
13 transmitted.” For purposes of responding to the Interrogatory, Responding Party will
14 exclude the portion noted above from the definition of “**Communications**” in the
15 Interrogatory, and interpret the otherwise overbroad definition not to impose a
16 burden beyond what is required by the Federal Rules of Civil Procedure, the Federal
17 Rules of Evidence, and the Local Civil Rules of the U.S. District Court for the
18 Central District of California.

19 2. Responding Party objects to the definition of “**Documents**” as overly
20 broad, unduly burdensome, vague, ambiguous and unintelligible to the extent it
21 includes “whether or not the Communication was ever disclosed, sent, or
22 transmitted.” For purposes of responding to the Interrogatory, Responding Party will
23 exclude the portion noted above from the definition of “**Documents**” in the
24 Interrogatory, and interpret the otherwise overbroad definition not to impose a
25 burden beyond what is required by the Federal Rules of Civil Procedure, the Federal
26 Rules of Evidence, and the Local Civil Rules of the U.S. District Court for the
27 Central District of California.

28 3. Responding Party object to the definition of “**Proton**” or “**You**” as

1 overly broad, unduly burdensome, vague, ambiguous and unintelligible to the extent
2 that it includes “any of its members, employees, representatives, officers, directors,
3 managers, agents, attorneys, assigns, predecessors, affiliates, parents, subsidiaries,
4 and any other entities or Persons acting or purporting to act on its behalf.” For
5 purposes of responding to the Interrogatory, Responding Party will interpret
6 “**Proton**” or “**You**” as referring to Defendant Proton Management Ltd.

7 4. Responding Party object to the definition of “**Elektron**” as overly
8 broad, unduly burdensome, vague, ambiguous and unintelligible to the extent that it
9 includes “any of its members, employees, representatives, officers, directors,
10 managers, agents, attorneys, assigns, predecessors, affiliates, parents, subsidiaries,
11 and any other entities or Persons acting or purporting to act on its behalf.” For
12 purposes of responding to the Interrogatory, Responding Party will interpret
13 “**Elektron**” as referring to Defendant Elektron Management LLC.

14 5. Responding Party objects to the definition of “**Concern**” or
15 “**Concerning**” as overly broad, unduly burdensome, vague, ambiguous and
16 unintelligible. For purposes of responding to the Interrogatory, Responding Party
17 will exclude the portion noted above from the definition of “**Concern**” or
18 “**Concerning**” in the Interrogatory, and interpret the otherwise overbroad definition
19 not to impose a burden beyond what is required by the Federal Rules of Civil
20 Procedure, the Federal Rules of Evidence, and the Local Civil Rules of the U.S.
21 District Court for the Central District of California.

22 6. Responding Party objects to the definition of “**Complaint**” or
23 “**Operative Complaint**” as overly broad, unduly burdensome, vague, ambiguous
24 and unintelligible. For purposes of responding to the Interrogatory, Responding
25 Party will interpret “**Complaint**” or “**Operative Complaint**” as referring to the
26 most recent complaint filed in this Action.

27 7. Responding Party objects to the definition of “**Person**” or “**Persons**” as
28 overly broad, unduly burdensome, vague, ambiguous and unintelligible. For

1 purposes of responding to the Interrogatory, Responding Party will exclude the
2 portion noted above from the definition of “**Person**” or “**Persons**” in the
3 Interrogatory, and interpret the otherwise overbroad definition not to impose a
4 burden beyond what is required by the Federal Rules of Civil Procedure, the Federal
5 Rules of Evidence, and the Local Civil Rules of the U.S. District Court for the
6 Central District of California.

7 8. Responding Party object to the definition of “**Swan**” as overly broad,
8 unduly burdensome, vague, ambiguous and unintelligible to the extent that it
9 includes “any of its members, employees, representatives, officers, directors,
10 managers, agents, attorneys, assigns, predecessors, affiliates, parents, subsidiaries,
11 and any other entities or Persons acting or purporting to act on its behalf.” For
12 purposes of responding to the Interrogatory, Responding Party will interpret “**Swan**”
13 as referring to Plaintiff Electric Solidus, Inc. d/b/a Swan Bitcoin.

14 9. Responding Party object to the definition of “**2040 Energy**” as overly
15 broad, unduly burdensome, vague, ambiguous and unintelligible to the extent that it
16 includes “any of its members, employees, representatives, officers, directors,
17 managers, agents, attorneys, assigns, predecessors, affiliates, parents, subsidiaries,
18 and any other entities or Persons acting or purporting to act on its behalf.” For
19 purposes of responding to the Interrogatory, Responding Party will interpret “**2040**
20 **Energy**” as referring to 2040 Energy Ltd.

21 Responding Party objects to the definition of “**Swan’s Trade Secrets**” as
22 overly broad, unduly burdensome, vague, and ambiguous, including as it purports to
23 incorporate by reference “Swan’s Complaint” and “Swan’s Identification of
24 Asserted Trade Secrets (dated February 14, 2025).

25 Responding Party objects to the definition of “**Swan’s BNOC**” as overly
26 broad, unduly burdensome, vague, ambiguous and unintelligible including as it
27 purports to incorporate “Paragraphs 73-79 of the Complaint”. Responding Party will
28 interpret “**Swan’s BNOC**” as referring to the Bitcoin Network Operating Center

1 dashboard developed for 2040 Energy, without any admission as to with respect to
2 any claim that BNOC is proprietary to Propounding Party.

3 **RESPONSES TO SPECIAL INTERROGATORIES**

4 **SPECIAL INTERROGATORY NO. 6:**

5 Identify and describe all dashboards or monitoring systems that You use in
6 connection with Your Bitcoin mining operations, including stating the basis for any
7 contention that those systems differ from Swan's BNOC or were independently
8 developed or created.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

10 Responding Party incorporates by references the General Objections and
11 Objections to Definitions as if fully set forth herein. Responding Party objects to
12 this interrogatory as premature because the Court lacks personal jurisdiction over
13 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
14 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
15 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
16 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
17 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
18 ordering stay pending court's ruling on Rule 12 motion for lack of personal
19 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
20 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
21 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
22 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
23 challenging court's subject matter jurisdiction was within its rights to object);
24 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
25 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
26 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
27 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
28 discovery"). Responding Party objects to this interrogatory to the extent that it

1 seeks information that is protected from disclosure by the attorney-client privilege,
2 work product doctrine, or any other applicable privilege or protection. Responding
3 Party objects to this interrogatory to the extent that it is unreasonably cumulative or
4 duplicative of other interrogatories. Responding Party objects that this interrogatory
5 is vague and ambiguous, including in its use of the phrase “Your Bitcoin mining
6 operations”. Responding Party objects to this interrogatory to the extent that it
7 purports to require Responding Party to produce information that contain trade
8 secrets of Responding Party, or other confidential business, financial, proprietary, or
9 sensitive information of Responding Party or third parties without entry of a
10 satisfactory confidentiality order. Responding Party further objects to this
11 interrogatory on the grounds that Propounding Party has failed to comply with Cal.
12 Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with
13 reasonable particularity the trade secrets it alleges that any defendant
14 misappropriated before commencing discovery, as required by Section H of the
15 Court’s Scheduling Order (Dkt. 95).

16 **SPECIAL INTERROGATORY NO. 7:**

17 Identify all persons who have been or are engaged to do work on Your behalf
18 related to Bitcoin mining, including identifying (i) the name of each person; (ii) each
19 person’s title, roles, and responsibilities; (iii) where each person resides; and (iv)
20 dates during which that person has been engaged by You.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

22 Responding Party incorporates by references the General Objections and
23 Objections to Definitions as if fully set forth herein. Responding Party objects to
24 this interrogatory as premature because the Court lacks personal jurisdiction over
25 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
26 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
27 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
28 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS

1 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
2 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
3 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
4 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
5 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
6 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
7 challenging court’s subject matter jurisdiction was within its rights to object);
8 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
9 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
10 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
11 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
12 discovery”). Responding Party objects to this interrogatory to the extent that it
13 seeks information that is protected from disclosure by the attorney-client privilege,
14 work product doctrine, or any other applicable privilege or protection. Responding
15 Party also objects to this interrogatory’s demand as being compound, overbroad,
16 overly burdensome, and harassing, and as seeking documents that are not relevant to
17 the claims or defenses in this action. Responding Party further objects to this
18 interrogatory on the grounds that it is vague, overbroad and subjects Responding
19 Party to unreasonable and undue burden and expense. Responding Party objects to
20 this interrogatory to the extent that it is unreasonably cumulative or duplicative of
21 other interrogatories. Responding Party also objects to this interrogatory to
22 “Identify all persons” on the grounds that it is overbroad and subjects Responding
23 Party to unreasonable and undue annoyance, oppression, burden, and expense.
24 Responding Party objects that this interrogatory is vague and ambiguous, including
25 in its use of the phrase “related to Bitcoin mining”. Responding Party objects to this
26 interrogatory to the extent that it purports to require Responding Party to produce
27 information that contain trade secrets of Responding Party, or other confidential
28 business, financial, proprietary, or sensitive information of Responding Party or

1 third parties without entry of a satisfactory confidentiality order. Responding Party
2 further objects to this interrogatory on the grounds that Propounding Party has failed
3 to comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party
4 to identify with reasonable particularity the trade secrets it alleges that any defendant
5 misappropriated before commencing discovery, as required by Section H of the
6 Court's Scheduling Order (Dkt. 95).

7 **SPECIAL INTERROGATORY NO. 8:**

8 For every occasion in which You and/or Your employees, consultants, or
9 agents have accessed, disclosed, and/or used any Document reflecting or
10 incorporating Swan's Trade Secrets, identify the date, time, method of access,
11 disclosure, and/or use, and specific material accessed, disclosed, and/or used.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

13 Responding Party incorporates by references the General Objections and
14 Objections to Definitions as if fully set forth herein. Responding Party objects to
15 this interrogatory as premature because the Court lacks personal jurisdiction over
16 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
17 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
18 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
19 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
20 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
21 ordering stay pending court's ruling on Rule 12 motion for lack of personal
22 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
23 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
24 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
25 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
26 challenging court's subject matter jurisdiction was within its rights to object);
27 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
28 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay

1 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
2 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
3 discovery”). Responding Party objects to this interrogatory to the extent that it
4 seeks information that is protected from disclosure by the attorney-client privilege,
5 work product doctrine, or any other applicable privilege or protection. Responding
6 Party also objects to this interrogatory’s demand as being compound, overbroad,
7 overly burdensome, and harassing, and as seeking documents that are not relevant to
8 the claims or defenses in this action. Responding Party further objects to this
9 interrogatory on the grounds that it is vague, overbroad and subjects Responding
10 Party to unreasonable and undue burden and expense. Responding Party also
11 objects to this interrogatory on the grounds and to the extent that it seeks
12 information that is not in the possession, custody or control of Responding Party
13 and/or is equally or more readily available from another source which is more
14 convenient, less burdensome, or less expensive. Responding Party objects to this
15 interrogatory to the extent that it is unreasonably cumulative or duplicative of other
16 interrogatories. Responding Party objects to this interrogatory to the extent that it
17 purports to require Responding Party to produce information that contain trade
18 secrets of Responding Party, or other confidential business, financial, proprietary, or
19 sensitive information of Responding Party or third parties without entry of a
20 satisfactory confidentiality order. Responding Party further objects to this
21 interrogatory on the grounds that Propounding Party has failed to comply with Cal.
22 Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with
23 reasonable particularity the trade secrets it alleges that any defendant
24 misappropriated before commencing discovery, as required by Section H of the
25 Court’s Scheduling Order (Dkt. 95).

26 **SPECIAL INTERROGATORY NO. 9:**

27 Describe how You came to be in possession of any Swan Trade Secret,
28 including by identifying any Documents or Communications providing possession

1 to You.

2 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

3 Responding Party incorporates by references the General Objections and
4 Objections to Definitions as if fully set forth herein. Responding Party objects to
5 this interrogatory as premature because the Court lacks personal jurisdiction over
6 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
7 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
8 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
9 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
10 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
11 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
12 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
13 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
14 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
15 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
16 challenging court’s subject matter jurisdiction was within its rights to object);
17 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
18 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
19 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
20 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
21 discovery”). Responding Party objects to this interrogatory to the extent that it
22 seeks information that is protected from disclosure by the attorney-client privilege,
23 work product doctrine, or any other applicable privilege or protection. Responding
24 Party also objects to this interrogatory’s demand as being compound, overbroad,
25 overly burdensome, and harassing. Responding Party further objects to this
26 interrogatory on the grounds that it is vague, overbroad and subjects Responding
27 Party to unreasonable and undue burden and expense. Responding Party also
28 objects to this interrogatory on the grounds and to the extent that it seeks

1 information that is not in the possession, custody or control of Responding Party
2 and/or is equally or more readily available from another source which is more
3 convenient, less burdensome, or less expensive. Responding Party objects to this
4 interrogatory to the extent that it is unreasonably cumulative or duplicative of other
5 interrogatories. Responding Party also objects to this interrogatory to “Identify all
6 persons” on the grounds that it is overbroad and subjects Responding Party to
7 unreasonable and undue annoyance, oppression, burden, and expense. Responding
8 Party objects to this interrogatory to the extent that it purports to require Responding
9 Party to produce information that contain trade secrets of Responding Party, or other
10 confidential business, financial, proprietary, or sensitive information of Responding
11 Party or third parties without entry of a satisfactory confidentiality order.
12 Responding Party further objects to this interrogatory on the grounds that
13 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
14 which requires Propounding Party to identify with reasonable particularity the trade
15 secrets it alleges that any defendant misappropriated before commencing discovery,
16 as required by Section H of the Court’s Scheduling Order (Dkt. 95).

17 **SPECIAL INTERROGATORY NO. 10:**

18 Describe all devices and all ephemeral messaging applications on those
19 devices (including, but not limited to, Signal, Telegram, and WhatsApp) that You or
20 any of Your employees, consultants, or agents uses or has used to discuss Bitcoin
21 mining operations that You manage, operate, monitor, or otherwise oversee.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

23 Responding Party incorporates by references the General Objections and
24 Objections to Definitions as if fully set forth herein. Responding Party objects to
25 this interrogatory as premature because the Court lacks personal jurisdiction over
26 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
27 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
28 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,

1 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
2 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
3 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
4 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
5 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
6 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
7 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
8 challenging court’s subject matter jurisdiction was within its rights to object);
9 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
10 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
11 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
12 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
13 discovery”). Responding Party objects to this interrogatory to the extent that it
14 seeks information that is protected from disclosure by the attorney-client privilege,
15 work product doctrine, or any other applicable privilege or protection. Responding
16 Party also objects to this interrogatory’s demand as being compound, overbroad,
17 overly burdensome, and harassing, and as seeking documents that are not relevant to
18 the claims or defenses in this action. Responding Party further objects to this
19 interrogatory on the grounds that it is vague, overbroad and subjects Responding
20 Party to unreasonable and undue burden and expense. Responding Party also
21 objects to this interrogatory on the grounds and to the extent that it seeks
22 information that is not in the possession, custody or control of Responding Party
23 and/or is equally or more readily available from another source which is more
24 convenient, less burdensome, or less expensive. Responding Party objects to this
25 interrogatory to the extent that it is unreasonably cumulative or duplicative of other
26 interrogatories. Responding Party also objects to this interrogatory to “Identify all
27 persons” on the grounds that it is overbroad and subjects Responding Party to
28 unreasonable and undue annoyance, oppression, burden, and expense. Responding

1 Party objects that this interrogatory is vague and ambiguous, including in its use of
2 the phrase “ephemeral messaging applications”. Responding Party objects to this
3 interrogatory to the extent that it purports to require Responding Party to produce
4 information that contain trade secrets of Responding Party, or other confidential
5 business, financial, proprietary, or sensitive information of Responding Party or
6 third parties without entry of a satisfactory confidentiality order. Responding Party
7 further objects to this interrogatory on the grounds that Propounding Party has failed
8 to comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party
9 to identify with reasonable particularity the trade secrets it alleges that any defendant
10 misappropriated before commencing discovery, as required by Section H of the
11 Court’s Scheduling Order (Dkt. 95).

12
13 Dated: March 28, 2025

BERGESON, LLP

14
15
16 By: 

Jaideep Venkatesan

Attorneys for Specially Appearing Defendant
PROTON MANAGEMENT LTD.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Santa Clara, State of California. My business address is 111 N. Market Street, Suite 600, San Jose, CA 95113.

On March 28, 2025, I served true copies of the following document(s) described as: **SPECIALLY APPEARING DEFENDANT PROTON MANAGEMENT LTD'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S SECOND INTERROGATORIES** on the interested parties in this action as follows:

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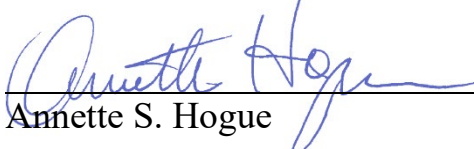
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1 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of
2 the document(s) to be sent from e-mail address ahogue@be-law.com to the persons
3 at the e-mail addresses listed in the Service List. I did not receive, within a
reasonable time after the transmission, any electronic message or other indication
that the transmission was unsuccessful.

4 I declare under penalty of perjury under the laws of the United States of
5 America that the foregoing is true and correct and that I am employed in the office
of a member of the bar of this Court at whose direction the service was made.

6 Executed on March 28, 2025, at San Jose, California.

7
8 
9 Annette S. Hogue